

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LAW OFFICES OF BEN C. MARTIN, §
et al., §
§
Plaintiffs, §
§
V. § CIVIL ACTION NO. 3: 06-CV-1440 -B
§
§
DENNIS C. SWEET III, PA AND §
ASSOCIATES, et al. §
§
§
§
Defendants. §

ORDER ACCEPTING FINDINGS AND RECOMMENDATIONS OF THE UNITED
STATES MAGISTRATE JUDGE

United States Magistrate Judge William F. Sanderson, Jr., made findings, conclusions and a recommendation in this case on March 19, 2008 (doc. 115). Plaintiff filed Objections to the Recommendations of the Magistrate Judge, Motion for Re-hearing, Request for Clarification, and Motion for Leave and Brief (doc. 116), and the District Court referred these Objections to the Magistrate Judge (doc. 118). In its Order Referring the Objections, the District Court stated, “[T]he Court finds [the motion] best construed as a request for re-hearing, clarification, and leave to conduct additional discovery more appropriately addressed by the Magistrate Judge. To the extent that this motion includes any Objections to the recommendations of the Magistrate Judge, the District Court will consider them.” Pursuant to this Order of Reference, the Magistrate Judge filed another recommendation on April 10, 2008 (doc. 119). The District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The Court finds and hereby orders that the Objections (doc. 116) are **OVERRULED**. The Court

ACCEPTS the Findings, Conclusions and Recommendations of the United States Magistrate Judge (docs. 115, 119).

IT IS, THEREFORE, ORDERED that Defendants' Motion to Strike the Expert Report of John Wiechman (doc. 72) is **GRANTED** in part by striking pages 9 and 10 of his report signed on October 12, 2007, except for ¶ 1 of the Summation.

IT IS FURTHER ORDERED that Plaintiffs' trial brief request (doc. 78) that a default judgment in their favor be entered is **DENIED** and, in the alternative, their request for application of an adverse inference based on their spoliation assertion is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Re-Hearing, Request for Clarification, and Motion for Leave and Brief (doc. 116) are **DENIED**.

SO ORDERED.

SIGNED April 23, 2008



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE